

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PAUL MUELLER,

Plaintiff,

vs.

Case No.

CITY OF RIO RANCHO,

Defendant.

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, City of Rio Rancho respectfully submits this notice of Removal of this action from the Thirteenth Judicial District Court, County of Sandoval, State of New Mexico in which court the action is pending, to the United States District Court for the District of New Mexico. In support of this Notice of Removal Defendant states:

1. On February 13, 2020 Plaintiff filed his Petition for an Injunction Against the City of Rio Rancho, Case No. D-1329-CV-2020-376.
2. On or about February 17, 2020 Defendant was served with the complaint.
3. This Notice of Removal is timely filed within 30 days of service of the complaint on Defendant.
4. The claims asserted against Defendant in this case are removable and subject to the jurisdiction of the Court pursuant to 28 U.S.C. § 1331, which vests in this Court jurisdiction over all civil actions arising under the Constitution, laws of treaties of the United States. A federal question is apparent on the face of the complaint as Plaintiff has asserted statutory claims arising under the Americans with Disabilities Act, 42 U.S.C. § 12132.
5. There is an actual controversy between the parties.

6. Pursuant to 28 U.S.C. § 1446(d), copies of the Notice of Removal will be promptly give to all adverse parties and a copy of the Notice of Removal will be filed with the Clerk of the Thirteenth Judicial District Court, County of Sandoval, State of New Mexico.

7. Pursuant to 28 U.S.C. § 1446, Defendant attaches copies of the Summons, Petition and all other pleadings as Exhibit A.

Respectfully Submitted,

MONTGOMERY & ANDREWS, P.A.

By: /s/ Randy S. Bartell

Randy S. Bartell

Attorney for Defendant

P. O. Box 2307

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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2020, I mailed a copy of the foregoing and filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Paul Mueller
1752 Lee Loop NE
Rio Rancho, New Mexico 87144

/s/ Randy S. Bartell

Randy S. Bartell